

EXHIBIT A.520

"Arafat's death provides that rare historical opportunity for enormous and generally beneficial change to take place in Palestine. . . . [But] Palestine's comparative weakness, its political economy, and the occupation are not upended so easily. Neither are its fundamental requirements for a comprehensive peace with Israel."

After Arafat

GLENN E. ROBINSON

The death of Yasir Arafat on November 11, 2004, heralds a new era in Palestinian politics. Whether one viewed Arafat with contempt or with admiration, or, like most Palestinians, with decidedly mixed emotions, there is no question that Arafat was the principal Palestinian actor for the past four decades. In the absence of the "old man," the landscape of politics in Palestine will change, and mostly for the better. In recent years Arafat had become a drag on Palestinian politics, blocking calls for badly needed internal reform, greater democracy, and less corruption in the Palestinian Authority.

While change is inevitable and to be welcomed, Palestinian politics will be marked by predictable continuities as well. The travails of everyday life under military occupation will not change any time soon, nor will the structure of Palestine's basic political economy. The fundamental choices facing Palestinians and Israelis if they are ever to make peace have not changed. Arafat's death in France at the age of 75 marks the end of an era and a chance to revitalize Palestinian politics, but the passing of one man will not fundamentally alter the basic calculus of life as a Palestinian.

THE END OF ONE-MAN RULE

Arafat wore several institutional hats, including chairman of the Palestine Liberation Organization (PLO); head of its largest faction, Fatah; president of the Palestinian Authority, or PA; and (often forgotten) president of the State of Palestine declared by the PLO in 1988. In all these capacities, he dominated Palestinian politics. Arafat effectively marginalized the Palestinian parliament and judi-

ciary within the PA, maintained a firm grip on the authority's security forces until his dying day, and masterfully employed patronage resources to keep the wheels of the Fatah political machine churning in all Palestinian communities. While never the cruel dictator, Arafat epitomized one-man rule.

Palestinians and their politics have come a long way since Arafat took the reins of power in the heady days of revolution in the 1960s. While Palestine has its share of men eager to replicate Arafat's rule and ready to use an iron fist to do so, it is unlikely that these political strategies would succeed in today's Palestine. Palestinians are simply too modern and democratic in their sensibilities to tolerate a re-creation of one-man rule.

Mahmoud Abbas, also known as Abu Mazen, will ably fill Arafat's shoes in the short term both as chairman of the PLO and, probably, as the new president of the PA after the January 9, 2005, special election. While Abbas will be the most important Palestinian political actor, he will not be alone at the top. Ahmed Qurei (Abu Ala) will remain PA prime minister, a position that was considerably strengthened during Arafat's dying days. Indeed, the office of the prime minister is now the top political position within the PA, while the presidency has been relegated, properly, to little more than a ceremonial post. A revitalized judiciary and parliament will likewise help to check untoward political ambition. Fatah itself has a number of potential chiefs both inside the occupied territories and, like Faruq Qadumi, still in exile. In short, collegial leadership more properly institutionalized will likely replace the personalized, one-man rule of the Arafat era.

The downside to transitioning from one-man rule is the risk of fragmentation and chaos as power is dispersed too widely and power grabs become more tempting. Palestinians seemed well

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aware of the potential for such chaos, even civil war, in the weeks following Arafat's death and went out of their way to emphasize national unity. For example, armed militants from the Al Aksa Martyrs Brigades, a Fatah offshoot, publicly pledged their loyalty to Abbas after four years of harshly criticizing his condemnations of their activities. The end of one-man rule in Palestine may usher in democracy or chaos; it certainly will bring something profoundly different.

THE RAMALLAH SPRING

Arafat did not distinguish himself as a champion of democracy. While he himself was the only democratically elected Arab head of state, Arafat resisted attempts to create democratic checks and balances in the PA. Thwarting internal reform efforts became particularly pronounced during the past three years as Arafat, caged in his crumbling Muqata compound by Israel, became almost paranoid about challenges to his leadership.

As politics stagnated, cynicism grew among ordinary Palestinians. Support for reform in the PA was overwhelming in the last months of Arafat's life. The last major opinion survey taken among Palestinians before Arafat fell ill found that 93 percent supported fundamental reform of the PA. While its leaders routinely blame the occupation for their inability to carry out reforms, Palestinians blamed PA officialdom more than Israel's occupation by 42 percent to 39 percent. The same poll (conducted in September by the Palestine Center for Policy and Survey Research) found that 88 percent of Palestinians believe that corruption exists in the PA; of those, two-thirds believe it will not get any better. Less than half of all Palestinians (42 percent) had a favorable view of the PA presidency, and Arafat could only garner 35 percent of the vote in a fictional run-off with Marwan Barghouti (sitting in an Israeli jail) and Mahmud al-Zahhar (a Hamas official). While Arafat leaves behind a vast and complex legacy, future historians doubtless and justly will criticize him for the institutional mess he left behind in the PA.

Starting from this nadir, Palestinian politics is poised to witness its own Prague Spring. A series of elections in 2005, if free and fair, will rejuvenate Palestinian politics in a way unmatched since the rise of a new elite in Palestine in the 1970s and 1980s. Indeed, the elections may fundamentally revolutionize Palestinian politics. The most symbolic but least important of the four sets of elections now scheduled for 2005 is the presidential election in January. Barring a surprise, Abbas will, as noted,

become the new PA president, in spite of his tepid popularity among ordinary Palestinians.

More important will be the spring elections for parliament and for local governments, likely to be held at the same time in May. The parliament was first elected in 1996, and there have been no subsequent elections. Indeed, legally speaking, all PA institutions, including the parliament, technically expired in May 1999 under the terms of the Oslo Accords. Still, the parliament has been crawling along, rightly seen as impotent by most Palestinians. During the 1996 election, Arafat overruled locally elected Fatah candidates to hand-select his own party list, thereby blocking many popular homegrown Fatah cadres in favor (usually) of "outsiders" who returned to Palestine on his coattails in 1994. Without Arafat around to pull the strings, a more representative and vibrant—and, it is hoped, effective—parliament will be elected. With the new parliament will come a new prime minister, or at least a new mandate for the existing premiership of Ahmed Qurei.

Municipal elections for town mayors and village councils will also be held, for the first time since 1976. Originally, only a small number of municipalities were to hold elections in December 2004. Arafat's death postponed the elections several months and now provides the opportunity for elections in all local government units. Arafat had thwarted local elections for years out of fear that his opponents would fare too well. Reformers were able to convince him to go ahead with some local elections where it was thought that Fatah candidates would prevail. With Arafat gone and the legitimacy of Palestinian governance on the line, there is no good reason now not to hold local elections across the land.

The most consequential Palestinian elections will be held in August 2005 during the sixth Fatah conference. These internal Fatah elections will bring to positions of prominence younger Fatah cadres not closely tied to Arafat's old guard from his exile days in Tunis and Beirut. Seventeen stalwarts from the Fatah central committee "elected" Abbas (in a meeting presided over by him) to run as Fatah's candidate for PA president, and not one was a born-and-bred Palestinian from the West Bank or Gaza or had grown up under the shadow of occupation. Because of his long and distinguished history in the Palestinian national movement, Abbas is popular in the PLO hierarchy, but he has no grassroots support in Palestinian society. He is more the quiet intellectual of Palestine than the glad-handing politician Palestinians knew in Arafat. In declining to run against Abbas for PA president, the far more popu-

lar Barghouti wrested from the Fatah leadership its pledge to hold Fatah central committee elections for the first time in 16 years. The results of these elections will likely remake the face of Palestine's still pre-eminent party, at the least by expanding its leadership to include "insiders."

What sets the elections of 2005 apart from those in 1996, besides their breadth, is the likely participation of Hamas and other opposition parties. During the voter registration drive in the summer of 2004 (and which continued in November), Hamas encouraged all its supporters to register to vote. Hamas has also stated unequivocally and for years that it will participate in municipal elections. It now also appears an even bet that Hamas will run in the parliamentary elections, although that fluid situation is subject to rapid change. Hamas will not, however, participate in the presidential election (although one declared candidate is allied with Hamas); the presidency is seen to be too much of an Oslo creation for Hamas to stomach. More important, Hamas does not yet want a face-to-face showdown with Fatah on such a national scale, for fear of losing. While Hamas is nearly Fatah's equal in terms of popularity, it still does not have the national political infrastructure to match Fatah in a vote of this importance.

For the Ramallah Spring to see fruition, Israel must cooperate. Genuine Palestinian elections cannot occur in the midst of checkpoints and roadblocks, with Israeli Defense Forces personnel hovering around every corner. Nor can they occur without the participation of Palestinians in East Jerusalem. Israel obliged on both these points in the 1996 elections and early indications are good that it will do so again. Still, given Israel's physical control of the occupied territories, it has plenty of leverage to play spoiler if it so chooses.

THE YOUNG GUARD RETURNS

While Abbas and Qurei will be warmly welcomed in Washington, they are best viewed as transitional figures. They represent the "Oslo elite"—the PLO leaders who signed on to the Oslo peace process from their base of exile in Tunisia and then returned to Palestine in the 1990s after decades abroad. The core of the Oslo elite is quite small, numbering in the hundreds, but it dominates

the upper echelons of the PA bureaucracy and security forces. Its network of supporters is significantly larger, including the 100,000 exiles who returned to their homeland under Oslo, the vast majority of whom were rank-and-file Palestinians affiliated with the police and security forces.

The returning Oslo elite effectively quashed the emergence of a new generation of PLO leaders born and raised in the West Bank and Gaza. This so-called Intifada elite, or young guard, was intimately shaped by life under occupation. Members of this group are better educated, with more democratic leanings and institutional predispositions than the old guard. While they are comfortable negotiating with Israel, they have also learned to be comfortable fighting Israel when necessary. Barghouti is the most famous name associated with this new breed of leaders. A student leader and Fatah activist in the first Intifada, jailed

and then expelled by Israel, Barghouti was an outspoken advocate for the Oslo accords and for peace with Israel. He was elected to the Palestinian parlia-

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ment in 1996, became secretary-general of Fatah in the West Bank, and, tellingly, emerged as a leading public voice against corruption and authoritarianism in the PA. When he became convinced that Israel would never get serious about a genuine and credible Palestinian state unless armed resistance buttressed the negotiations, Barghouti became a leading voice in support of Intifada. Israel imprisoned him for his Intifada activities, and an Israeli court found him guilty of indirect responsibility in the deaths of five people. Barghouti refused to recognize the Israeli court's authority, and so put up no defense. In much the same way that Afrikaners used to view Nelson Mandela (and some still do to this day), most Israelis view Barghouti as a terrorist with whom they must never negotiate.

The young guard coalesced in Palestinian universities and Israeli jails in the wake of vast social changes brought on by Israel's occupation of the West Bank and Gaza Strip following the 1967 war. In the decade prior to the outbreak of the first Intifada in 1987, this grassroots elite ingeniously built an infrastructure of resistance and mobilization through organizations of civil society. These organizations and the new social relations on which they were formed provided the backbone for the first Intifada and for the subsequent emergence

of the most vibrant civil society in the Arab world.

It was this new elite that Arafat and his coterie had to break, through co-option, intimidation, and marginalization, in order to effectively consolidate power in the West Bank and Gaza after Oslo. The failure of the Oslo project and the subsequent outbreak of the second Intifada dramatically weakened the grip on power that the Oslo elite had established over seven years. Arafat was the lone remaining symbol of the Oslo elite who held together its structure of power. His passing paves the way for the reemergence of the young guard into the upper echelons of Palestinian politics. While Abbas may well preside over the signing of a peace treaty with Israel, the future of Palestinian politics belongs to the Marwan Barghoutis.

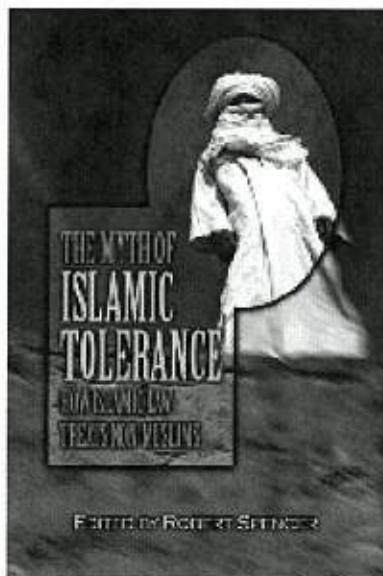
CONTINUITIES

While Arafat's death will occasion changes, it will not alter several significant continuities in Palestinian political life. Everyday life for most Palestinians has not changed with Arafat's passing and likely will not for some time. They are still a people under siege. Illegal Jewish colonies in the West Bank continue to expand, chewing up precious

land; the World Court's finding that the security wall being built in the West Bank is illegal under international law has not stopped its construction; the economic and social strangulation brought on by endless internal checkpoints in the West Bank carries on; the daily humiliations and degradations that produce suicide bombers and a general hatred of Israel continue unabated. This is for Palestinians living in the West Bank and Gaza. For many refugees in the diaspora, especially in Lebanon, the personal insecurity that comes with statelessness is also manifested.

Some intellectuals argue that the occupation has gone too far to be reversed, that it is now time to speak of how to arrange a single, bi-national state for Jews and Palestinians in the whole of mandatory Palestine. While this argument has a certain seductiveness to it, the unintended consequence would be to perpetuate the occupation permanently. Under this scenario, neither settlers nor Israeli soldiers would have any reason to ever leave the West Bank, and the occupation—no doubt in another guise—would grind on.

Another fact of political life unchanged by Arafat's death is the core of the Palestinians'



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demands for peace. The notion that Arafat was a hard-liner whose radical demands sank the peace process is sorely misguided. Palestinians do have their hard-liners who reject any compromise with Israel and will never agree to permanently accept the Jewish state. Public opinion polls suggest that perhaps a quarter of the Palestinians living in the West Bank and Gaza today fit this description. (Israel has a similar number of Jews who reject any notion of Palestinian statehood.) Many of these Palestinians support Hamas, whose 1988 charter flatly calls for the elimination of Israel (but whose leaders have often been more slyly political on the subject in recent years).

While Arafat undoubtedly went to his grave believing that Palestine was unjustly stolen from its rightful inhabitants by the Zionist movement, the bulk of the evidence suggests that he was ultimately willing to cut a deal with Israel—but not just any deal. Perhaps Arafat was insincere about accommodation, but his successors are not. However, they will stick to the same fundamental demands that Arafat insisted on. Those people who believe that Arafat's death now means that Palestinian moderates are free to make a deal more to Israel's liking are mistaken.

The PLO leadership, including Abbas and Barghouti, shares three fundamental principles on which a peace deal with Israel must be constructed. First, it must be based on the 1967 borders. Palestinian negotiators have already accepted the principle of small and mutual land swaps, so Israel would likely be able to annex some major settlements. But the land swaps must be of equal size and quality. The broader principle is that Palestinians view their great concession as accepting Israel on 77 percent of historic Palestine, and they are not prepared to negotiate away any more than that.

Second, Jerusalem must be shared as the capital for two states. Neither Arafat, Abbas, Barghouti, nor any other Palestinian leader would agree to a settlement that left the al-Aqsa mosque and other key Muslim and Palestinian sites in Jerusalem under exclusive Israeli sovereignty. There have been numerous creative formulas devised over the years for sharing Jerusalem. But without a credible Palestinian capital in Jerusalem, there will be no peace agreement.

Third, a fair solution must be found to the issue of Palestinian refugees and their descendents, now numbering 4 million. Again, the broad outlines of

a deal are known: refugees are to be settled in some combination of current host countries, other third countries, the new Palestinian state, and Israel. Resettlement in Israel will be small, unlikely to exceed the figure of 100,000 that Israel accepted in principle over five decades ago.

Palestinian negotiators have shown tactical flexibility within the context of strategic demands. They have been flexible on minor land swaps as long as the principle of the 1967 borders is honored; they have been flexible on the details of sharing Jerusalem as long as the principle of establishing a credible, sovereign capital there is honored; they have been flexible on recognizing Israeli demographic concerns as long as the principle of a just solution to the refugee problem is squarely addressed.

But fundamental Palestinian demands will not change with the passing of Arafat. And both sides will still be faced with the same basic issues. Palestine will need to prevent its true rejectionists from undermining the majority's wish for a two-state solution. Israel will need to accept that it must truly let go of the West Bank once and for all, that it must share

Jerusalem, and that it cannot ignore the refugee issue. An old quip underscores the stark demographic reality: Israel has its choice of being big by retaining the West Bank, or remaining Jewish, or remaining democratic; it can choose any two of these characteristics, but it cannot have all three.

IMBALANCE OF POWER

Yet another continuity following Arafat's death is the imbalance of power between Israel and the Palestinians that informs all aspects of their relationship. Despite the false bravado of Palestinian militants, Israel is not leaving Gaza because of Palestinian military might. Israel is departing Gaza because it has no wish to maintain control over nearly 2 million Palestinians for the sake of 7,000 settlers. Nor can Palestinians militarily force Israel to quit the West Bank, as has been shown clearly during the current Intifada. Indeed, Palestinians have no way to compel Israel to leave the occupied territories. As it stands, Israel will decide that issue internally. But if it is up to Prime Minister Ariel Sharon, Israel will never truly quit the West Bank.

The imbalance of power is seen most obviously in the occupation itself. Israel will build colonies,

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erect the security wall, allow or disallow the movement of Palestinian goods, services, and people, and move its own troops around the West Bank entirely at its own discretion. Palestinians are simply unable to effectively confront and counter Israeli power, which is a major reason why the soft targets of terror have so often been chosen. But even here, Palestinians have failed to coerce Israel to acquiesce in any policy against its wishes. Overwhelming weakness produces perpetual insecurity. Ordinary Palestinians are at the mercy of Israeli policy decisions, and usually the forces implementing those decisions do not act in the best interests of the Palestinians.

Two points are clear from this imbalance. First, Palestinians can enjoy personal security only when they have their own independent state. Whatever level of corruption Palestine's government may sink to, it is highly unlikely that it will brutalize its own citizens simply on the grounds that they are Palestinians. It may arrest and torture political dissidents, but it will not declare war on its own people. Second, Palestinians are incapable of correcting the imbalance of power on their own and arriving at an independent state. Only through sustained and intense international participation by the so-called Quartet of the United States, European Union, Russia and the United Nations—but especially the United States—will some balance come to the negotiations, with the possibility of a good outcome for the Palestinians and Israelis alike.

DEMOCRACY AND JUSTICE

Arafat's death will not change Palestine's basic political economy, which itself will profoundly shape the kind of state Palestine becomes. Palestine has a large unskilled and semi-skilled labor force that historically relied on jobs in the Israeli agricultural and construction sectors. Up to 40 percent of the Palestinian labor force in the West Bank and Gaza formerly worked daily in Israel, but that number dropped dramatically during the uprising. Agriculture remains a staple of the economy, and textile manufacturing had been an emerging sector before the Intifada. By developing world standards, Palestine has an exceptionally large and well-educated professional class. None of these fundamentals changes with the passing of Arafat.

Of greatest concern to the prospects of democracy emerging out of Palestine's political economy is the way that central government revenues are structured. During the 1990s, the PA received about 80 percent of its total revenues from external "rents" paid by outsiders to the PA treasury. About 90 percent of these rents were taxes on Palestinian labor and commerce in Israel that were collected by Israel and then given to the PA as lump-sum payments. The Intifada has played havoc with the PA budget. Domestic taxation, already limited, has decreased; the taxes collected by Israel are way down and are usually withheld from the PA; reliance on external contributions (primarily from the Arab states and Europe) has increased.

Thus, the pattern in Palestine is of a centralized state that does not collect taxes from its own people but instead relies on external rents, which then get distributed from the top down into society. This type of state, known as "rentier" or "distributive," is well known among oil-exporting countries, among others. It never produces democracy. If this distributive form of political economy is consolidated with statehood, then the chances of Palestine developing democratically will be greatly diminished.

The deaths of historic figures often have produced dramatic changes in their wake: in China after Mao, in Spain after Franco, in the Soviet Union after Stalin, in Egypt after Nasser. Arafat's death provides that rare historical opportunity for enormous and generally beneficial change to take place in Palestine. It will almost certainly lead to the kind of revitalization of politics that Spain witnessed after the death of Franco. But Spain had a helpful Europe to bring it along on the path of democracy. Palestine must have a cooperative Israel for Palestinian democrats to successfully contain Palestine's rejectionists. Israel failed in this regard when Abbas was prime minister in 2003; the stakes are much higher now.

While the opportunities are great, they are not endless. Palestine will also be subject to the pulls of strong continuities, structural conditions that are not easily changed. Palestine's comparative weakness, its political economy, and the occupation are not upended so easily. Neither are its fundamental requirements for a comprehensive peace with Israel. Arafat's death will not change Palestinian views of minimal justice. ■